

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BRUCE ALSTON AND GRACE ALSTON,

Plaintiffs,

-against-

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ APR 27 2006 ★

BROOKLYN OFFICE

Index No. 06-0075

Gleeson, J.

Pohorelsky, M.J.

**ORDER FOR ENTRY
OF DEFAULT AND
DEFAULT JUDGMENT**

METROPOLITANS BORO CORP., ET AL.,

Defendants.
-----X

Plaintiffs, by their attorney, Mark S. Brantley, Esq. moved the Court for a determination and entry of the default of defendants Metropolitans Boro Corp., d/b/a Cellular Island Communications, Inc. a/k/a Island Cellular Communications, Inc.; Island Cellular Group, Inc. d/b/a Cellular Island a/k/a Cellular Island II; Barry Shargel; and Patrick Rodriguez and for judgment on default. It appears to the Court and the Court finds that defendants were duly and regularly served process in this action as shown by proof of service on file, and that the time for appearance and answer or other pleading by defendants has expired without defendants' appearance or pleading of any nature. Defendants are in default as noted by the clerk's notation of default dated March 14, 2006, and plaintiffs are entitled to judgment against defendants for such relief and sums in damages as shall be determined in accordance with statute and the rules of this Court.

IT IS ORDERED that the default of defendants, Metropolitans Boro Corp., d/b/a Cellular Island Communications, Inc. a/k/a Island Cellular Communications, Inc.; Island Cellular Group, Inc. d/b/a Cellular Island a/k/a Cellular Island II; Barry Shargel; and Patrick Rodriguez for failure to appear or plead be, and it hereby is, determined and adjudged, and the clerk is directed to enter the default of record in this action.

IT IS FURTHER ORDERED that corporate defendants be enjoined from using, by false representation, the name of "Sprint-Nextel" or any other name or symbol that is not its registered trade name pursuant to 15 U.S.C. §1125 and NYS General Business Law §133, that all defendants be enjoined from engaging in unfair and deceptive trade practices (e.g. bait and switch) pursuant to NYS General Business Law §349, and that all defendants be enjoined from engaging in unlawful discriminatory practices on the basis of race or any other classification pursuant to NYC Human Rights Law §8-502.

IT IS FURTHER ORDERED that plaintiffs shall have judgment against all defendants for ~~compensatory and punitive damages and for other such relief demanded in the complaint,~~ those sums to be determined and found by a jury in proceedings before the Court pursuant to Rule 55(b)(2) and costs.

Dated:

s/John Gleeson

Judge John Gleeson

4-18-06

to be determined by \$ in the
first instance by the
assigned
magistrate judge,
to whom the
matter is
referred for
an R + R.